



Focus on

Managing Dairy Nutrients

Water Quality Program

Issue

At the end of four and a half years of managing dairy manure under a 1998 state law, all but six of the state's dairies have Dairy Nutrient Management Plans (plans) that have been approved by their local conservation districts. The law required that dairy farmers work with local conservation districts to develop and approve plans for the state's approximately 650 dairy farms by July 1, 2002. By December 31, 2003, the conservation districts need to certify that each dairy has the elements needed to implement their plan and the dairy must certify that they are managing their facility according to their plan. At this point, over one quarter of the dairies are certified as fully implementing their plans. Documented improvements to surface water quality in the Nooksack and Granger Drain basins have been directly linked to better dairy management under the 1998 law.

Background

On April 1, 1998, Governor Gary Locke signed into law the 1998 Dairy Nutrient Management Act. This law, designed to manage dairy waste, significantly changed how water pollution related to commercial dairy farms is addressed.

The Department of Ecology (Ecology) is delegated responsibility for implementing the federal Clean Water Act in Washington by the U.S. Environmental Protection Agency (EPA), including compliance and permitting activities. Historically, Ecology focused its efforts primarily on municipal wastewater treatment plants and industrial discharges. Much of the pollution associated with those sources is now being properly managed. In recent years, more attention has focused on "polluted runoff" from urban areas, timber harvest and agricultural lands – including dairy farms.

In the past, water pollution problems caused by dairy farms were primarily addressed as Ecology responded to complaints. The complaint-driven program was considered by many to be ineffective in preventing pollution and maintaining clean water. In addition, complaints are generally based on visible discharges and rarely address groundwater contamination.

Current Status

Ecology mails registration forms to all active dairy producers licensed by the state Department of Agriculture every even-numbered year. All of the current 625 dairy farms that produce and commercially sell milk are licensed. These farms are required to complete the registration form and return it to Ecology. Ninety-nine percent of all dairy farms registered in 1998. The year 2000 registration rate was 97.5 percent. Some producers asked the Legislature to delay the 2002 registration from July 2002 to December 2002 to better fit the producers' current licensing



schedule. While that formal change to the law was not made, Ecology delayed sending out the 2002 registrations until October. Fully 95 percent of registrations have been received at this time.

The state law also directed Ecology to establish a database to track inspections, violations and compliance. Ecology has established the database and continues to maintain the data and update its usefulness. A quarterly report is issued to summarize the most recent inspection and compliance activities. Farmers, state agencies, and conservation districts all agree that this database serves as an excellent resource to assess progress in implementing the new law.

The law required Ecology to initially inspect all farms between October 1, 1998 and October 1, 2000. Ecology completed inspecting all farms six months earlier than the deadline. Ecology continues to inspect operations to follow-up on problems previously encountered, identify any farm operations that need to change, monitor the development of dairy nutrient management plans, and identify farms in need of technical assistance. This is done to ensure water quality is being protected. In the first two years of the program, Ecology performed 984 inspections and issued 19 penalties for violations. During the next two and a half years, staff have performed 1,329 inspections, issued 15 penalties and taken other compliance actions.

Ecology continues to work with conservation districts and dairy producers to improve manure management practices at farms where problems have been identified. As required under the federal Clean Water Act, Ecology also continues to issue National Pollution Discharge Elimination System (NPDES) or wastewater discharge permits to farms causing pollution problems. As of December 2002, 101 dairies have dairy wastewater discharge permits. The 1998 law reduced dairy farmers' annual permit fees by about 50 percent. The fee is based on the number of animals at a facility (\$.50 per animal unit). The average annual fee for a dairy wastewater discharge permit was \$416 for the 2002 fiscal year.

Dairy Nutrient Management Plans

The Conservation Commission developed guidelines specifying the minimum elements of Dairy Nutrient Management Plans. Acceptable practices to address those elements are found in the Field Office Technical Guide maintained by the Natural Resource Conservation Service. As of December 2002, 96 percent (604) of all dairy farms had approved plans and 26 percent (162) had fully implemented their plans.

Conservation Commission

In addition to establishing the minimum elements of the plans, the Commission is also responsible for managing the state-funded cost share program to assist dairies in paying for structures or equipment needed to implement their plans. It also provides limited financial and technical support to conservation districts to enable them to provide technical assistance to dairies through plan development, engineering work and education.

Dairy Task Force

The 2000 Legislature passed a bill creating a Dairy Nutrient Management Task Force made up of legislators, dairy producers, Ecology, the Conservation Commission, and an environmental organization. The task force reviews how the 1998 dairy law is being implemented, provides a

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forum for discussing issues that arise and may make recommendations to clarify or improve implementation of the law. The Task Force's work will continue through June 30, 2004.

Tax Exemption

The 2001 Legislature passed a bill allowing a tax exemption for buying and maintaining items used by a dairy to continue full implementation. The exemption applies only to those dairies with a certified plan. The exemption will continue to apply only to those dairies with plans certified prior to the required implementation date of December 31, 2003. So far, the Department of Revenue has issued the exemption to 137 eligible dairies.

Complaint Tracking

A bill was passed by the Legislature in 2002 revising Ecology's requirements and procedures for tracking and responding to complaints. The new provisions require timely notification back to both the dairy and complainant (when known) on what the inspector found on a site. If unfounded complaints by the same party are repeated within six months, Ecology has the authority to decide not to conduct an inspection based on subsequent complaints on the same issue at the same dairy, although notification of that decision is required. Finally, more emphasis was placed on Ecology maintaining complete records on complaints, the agency response to complaints, findings and any final actions.

Budget Impacts

Due to budget limitations, in July of 2002 Ecology eliminated one dairy inspector position at our Northwest regional office and redistributed the workload among remaining staff at the Northwest, Southwest and Bellingham offices. In response to reductions in the 2002 supplemental state budget, Ecology proposed cutting its entire dairy program along with other livestock activity starting in July of 2003. A proposed budget option was also developed to continue a core dairy program that would meet the minimum requirements of the Dairy Nutrient Management Act. This alternative includes four inspectors across the state and provides for some policy and data support at Ecology headquarters. The rate of inspections would be reduced to once every two years on average. The core program is included in the recently released Governor's budget for Ecology.

For More Information

For more information, please contact Nora Mena at (360) 407-6413.